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Pro Se

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
NORTHERN DIVISION

DREW J RIBAR,

Plaintiff,

vs.

STATE OF NEVADA EX REL., NEVADA
DEPARTMENT OF CORRECTIONS,
CARSON CITY AND ASSOCIATED
DEFENDANTS

Defendants,

Case No.: 3:24-cv-00103-ART-CLB

**NOTICE OF NON-RESPONSE TO PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

I. INTRODUCTION

Plaintiff, Drew J. Ribar (Pro Se), respectfully files this Notice of Non-Response to highlight Defendants' failure to file a reply to Plaintiff's opposition to Defendants' motion for summary judgment and Plaintiff's sur-reply filed on October 30 and 31, 2024, respectively. Defendants' lack of response constitutes a waiver of rebuttal to the substantive factual and legal arguments raised, which warrants denial of their summary judgment motion.

II. BACKGROUND

The opposition to summary judgment sets forth evidence indicating genuine disputes of material fact, particularly concerning allegations of First and Fourth Amendment violations, viewpoint discrimination, and intentional infliction of discomfort. In addition to the factual record, Plaintiff's opposition and sur-reply argue that Deputy Bueno's conduct, especially

1 regarding the inaccurate statements in his declaration about vehicle conditions, establishes a
2 clear need for trial adjudication. Defendants' failure to reply underscores these unresolved
3 factual issues and affirms Plaintiff's entitlement to a trial.

4 **III. LEGAL STANDARD AND CASELAW**

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6 Under Federal Rule of Civil Procedure 56 and pertinent case law, summary
7 judgment is improper where there are genuine disputes as to any material fact. Defendants'
8 silence on Plaintiff's detailed factual assertions suggests an admission of those arguments, as
9 outlined in *Heinemann v. Satterberg*, 731 F.3d 914 (9th Cir. 2013), which mandates that a
10 motion for summary judgment cannot be granted solely based on non-opposition without an
11 analysis of whether the moving party has met its burden to show the absence of material factual
12 disputes.
13

14 The U.S. Supreme Court in *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986),
15 requires that a movant clearly demonstrate the lack of any material fact at issue. Here,
16 Defendants' failure to counter Plaintiff's documented evidence leaves material issues
17 unchallenged, particularly those regarding Deputy Bueno's actions and the First Amendment
18 implications of Carson City's alleged social media censorship. Additionally, *Anderson v. Liberty*
19 *Lobby, Inc.*, 477 U.S. 242 (1986), reinforces that courts must deny summary judgment if the
20 record suggests that a reasonable jury could find for the non-moving party based on the
21 unresolved factual issues.
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23

24 **IV. MATERIAL FACTS IN DISPUTE SUPPORTING DENIAL OF** 25 **SUMMARY JUDGMENT**

26 Plaintiff's filings on October 30 and October 31, 2024, introduced substantial
27 evidence showing that:

28 NOTICE OF NON-RESPONSE TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT - 2

1 Respectfully submitted,

2 Drew J. Ribar, Pro Se

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9 Dated this 13th of November, 2024.

10
11
12 /s/ Drew J. Ribar

13

Drew J. Ribar, Pro Se

CERTIFICATE OF SERVICE

I, Drew J. Ribar, hereby certify that on this 13th day of November 2024, I served a true and correct copy of the foregoing **NOTICE OF NON-RESPONSE TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

by the method indicated below and addressed to the following:

Via [ECF/Electronic Filing and email]:

Douglas R Rands attorney for the State of Nevada via email at

drands@ag.nv.gov

Katherine F Parks attorney for Carson City via email at kfp@thorndal.com

I declare under penalty of perjury under the laws of the State of Nevada and the United States of America that the foregoing is true and correct.

DATED: November 13, 2024.

/s/ Drew J. Ribar

Drew J. Ribar

Plaintiff, Pro Se

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